

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

UPSTATE NEW YORK CARPENTERS  
PENSION FUND, EMPIRE STATE  
CARPENTERS WELFARE, ANNUITY &  
APPRENTICE TRAINING FUNDS, EMPIRE  
STATE REGIONAL COUNCIL OF  
CARPENTERS, REGION 3 and CARPENTERS  
LOCAL NO. 747,

Plaintiffs,

vs.

CIVIL NO. 5:07-cv-325 (GTS/GJD)

J. PRIORE CONSTRUCTION CO., INC.,  
JOSEPH A. PRIORE and COLONIAL  
SURETY COMPANY,

Defendants.

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Appearances:

SLEVIN, HART LAW FIRM  
*Counsel for Plaintiffs*  
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Suite 450  
Washington, D.C. 20036

GETNICK, LIVINGSTON LAW FIRM  
*Counsel for Defendants*  
258 Genesee Street, Suite 401  
Utica, New York 13502

GLENN T. SUDDABY, U.S. District Judge

Of Counsel:

CHRISTOPHER J. SCHULTE, ESQ.

LOUIS P. GIGLIOTTI, ESQ.  
JOSEPH A. DETRAGLIA, ESQ.

**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

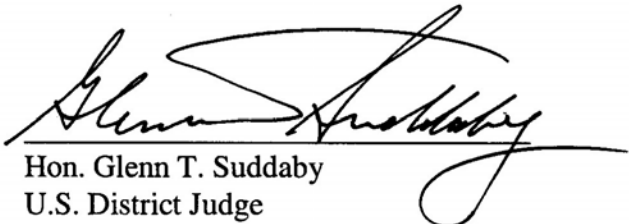
The Court having been advised by counsel that the parties in this action have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules

of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this action. Based upon this development, I find that it is not necessary for this action to remain on the calendar of the Court. It is therefore hereby

**ORDERED** that this action is **DISMISSED** in its entirety **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment is issued without prejudice to the right of the parties to secure reinstatement of the case within sixty (60) days after the date of this judgment by making a showing that the settlement was not, in fact, consummated; and in the event that no request is made for reinstatement within sixty (60) days of the date of this judgment, the dismissal of this case shall thereafter be **with prejudice**; and it is further

**ORDERED** that the Clerk shall serve copies of this Judgment upon the attorneys for the parties appearing in this action.

Dated: November 2, 2009  
Syracuse, New York



Hon. Glenn T. Suddaby  
U.S. District Judge